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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,957	03/11/2004	Chuck V. Desylva	884.B47US1	4862
21186 7590 06/26/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER TAKELE, MESEKER	
			ART UNIT 2174	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,957

Applicant(s)

DESYLVA, CHUCK V.

Examiner

Meseker Takele

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 09/28/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5- 6, and 14 -15, 18-19 and 26 - 28 are rejected under 35

U.S.C. 102(b) as being anticipated by Smith et al. (US Patent No.: 6,311,324).

As to claim 1, Smith discloses a method, comprising: detecting the processing of a graphics application (example, detecting, CPU process, graphical, see col., 4 lines, 13-26, col., 2 line, 7); Inspecting selective contents of a processor at intervals during the processing (example, analyze, see Figure 3 (element 312), example, CPU time spent see col., 2 lines, 5-10); dynamically presenting the selective contents to a display at the defined intervals (example, selected, displayed, see Figure 1 (element 102) , Figure 2 and col., 2 lines, 10-15).

As to claim 5, Smith discloses wherein presenting further includes presenting portions of the selective contents as a graphical bar which grows larger as more activity is detected within the processor during the processing (example, HI, see Figure, 2 (element 202 and 204))

and which grows smaller as less activity is detected with the processor during processing. (examples, low, see Figure, 2 (element 202 and 204)).

As to claim 6, Smith discloses wherein presenting further includes associating and presenting labels with portions of the selective contents within a display window (see Figure, 2).

As to claim 14, Smith discloses further comprising dynamically presenting the presentation within a portion of a display that presents the graphics data of the graphics application (see Figure 2, and see Figure 4 element (402)).

As to claim 15 Smith discloses, a system, comprising: a graphics monitor (see Figure 3, (element 306)) and a graphics display interface (see Figure 1 (element 102)), wherein the graphics monitor processes while a graphics application processes (see Figure 3 (element 304 and 306)).

and inspects selective contents of a processor at intervals, (example, analyze, see Figure 3 element 312, example, CPU time spent, see col., 2 lines, 5-10) and wherein the selective contents are communicated to the graphics display interface to be dynamically presented at the intervals on a display (see Figure 1 and Figure 2).

As to claim 18, Smith discloses wherein the graphics display interface presents the selective contents within a graphic window of the display (example, a graphical view of the hotspots is displayed in window, see col., 2 lines, 9-10).

As to claim 19, Smith discloses where the graphic window is overlaid on one or more additional windows which are presented as a result of the processing graphics application within the display (example, windows, see Figure 1 (element 102) and Figure 2).

Art Unit: 2174

As to claim 26, Smith discloses wherein the graphic window is concurrently updated and displayed as an overlay to one or more additional graphical windows within the display, which present graphical data, associated with the processing graphics application (example, windows, update, see Figure 1 (element 102), Figure 2 and col., 7 lines, 25).

As to claim 27, Smith discloses wherein the monitor interface logic can suspend or restart the processing of the monitor logic (see Figure 3, (element 300 and 310)).

As to claim 28, Smith discloses wherein the monitor logic (example, computer system, monitor application, see col., 2 line 2 and col., 3 line, 41) is configured to inspect the selective memory contents during at least one of pre-defined intervals (example, analyze, memory, see Figure 3 (element 312), example, CPU time spent see col., 2 lines, 5-10 and col., 3 lines, 55-60) and randomly generated intervals (example, Every time the loop executes, generates several redundant instructions. col., 10 lines, 10-15).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 - 4, 16-17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent No.: 6,311,324) in view of Fliflet (US Pub. No.: 2002/0140710).

As to claim 2, Smith does disclose inspecting additional selective contents of a graphics driver at the intervals during the processing (example, analyze, see Figure 3 element 312), example, CPU time spent see col., 2 lines, 5-10).

However Smith does not specifically disclose a graphics driver.

Fliflet from the same field of endeavor discloses a graphics driver (example, software driver, see paragraph [0012]).

It would have been obvious to one of ordinary skill in the art to have modified Smith's software profiler at the time of the invention was made with software driver as presented by Fliflet. The motivation to combine provides a dynamic approach to software zone rendering and is particularly applicable to integrated graphics hardware devices that require software zone rendering. Fliflet, (paragraph [0048]).

As to claim 3, Smith does not disclose hardware performance counters of the processor.

Fliflet from the same field of endeavor discloses examining hardware performance counters of the processor (example, determine whether there is an imbalance between the software driver and graphics hardware, driver counter, see paragraph [0012], [0041] and Figure 1 (element 106)).

It would have been obvious to one of ordinary skill in the art to have modified Smith's software profiler at the time of the invention was made with driver counters as

presented by Fliflet. The motivation to combine provides a dynamic approach to software zone rendering and is particularly applicable to integrated graphics hardware devices that require software zone rendering. Fliflet, (paragraph [0048]).

As to claim 4, Smith does not disclose wherein inspecting further includes acquiring zone rendering information as the selective contents.

Fliflet from the same field of endeavor discloses wherein inspecting further includes acquiring zone rendering information as the selective contents (see Figure 2 and abstract).

It would have been obvious to one of ordinary skill in the art to have modified Smith's performance analyzers at the time of the invention was made with zone rendering as presented by Fliflet. The motivation to combine provides to balance software and hardware workloads on a graphics renderer. Fliflet, (paragraph [0008]).

As to claim 7, Smith discloses wherein associating and presenting further includes presenting the labels as at least one of total pixels rendered label, a polynomial entering rendering label, and a polynomial entering a hard ware binner label (see Figure, 2).

However Smith does not specifically disclose rendering and binning hardware.

Fliflet from the same field of endeavor discloses rendering and binning hardware (example, binning and rendering hardware, see paragraph [0021]).

It would have been obvious to one of ordinary skill in the art to have modified Smith's associating and presenting labels at the time of the invention was made with binning and rendering hardware as presented by Fliflet. The motivation to combine

provides to balance software and hardware workloads on a graphics renderer. Fliflet, (paragraph [0008]).

As to claim 16, Smith discloses wherein the graphics monitor also inspects additional selective contents associated with a graphics driver and communicates the additional selective contents to the graphics display interface where they are dynamically and concurrently presented at the intervals on the display with the selective contents (see Figure 1 and Figure 2).

However Smith does not specifically disclose graphics driver.

Fliflet from the same field of endeavor discloses graphics driver (example, software driver, see paragraph [0012]).

It would have been obvious to one of ordinary skill in the art to have modified Smith's graphic monitor at the time of the invention was made with software driver as presented by Fliflet. The motivation to combine provides a dynamic approach to software zone rendering and is particularly applicable to integrated graphics hardware devices that require software zone rendering. Fliflet, (paragraph [0048]).

As to claim 17, Smith does not disclose wherein the selective contents are related to at least one of zone-rendering information and double-data-rate synchronous dynamic random access memory speed information.

Fliflet from the same field of endeavor discloses wherein the selective contents are related to at least one of zone-rendering information (see Figure 2) and double-data-rate synchronous dynamic random access memory speed information (example, a dynamic random access memory (DRAM) device, a static random access memory

(SRAM) device, or other memory device, see paragraph [0020] (other device could be synchronous RAM (SRAM), dynamic RAM (DRAM), synchronous DRAM (SDRAM), double data rate SDRAM (DDR SDRAM) because RAM is available in many forms).

It would have been obvious to one of ordinary skill in the art to have modified Smith's selective content at the time of the invention was made with zone-rendering information and random access memory speed information as presented by Fliflet. The motivation to combine provides to balance software and hardware workloads on a graphics renderer. Fliflet, (paragraph [0008]).

As to claim 25, Smith discloses monitor logic linked to selective portions of a graphics application (example, the program selects a portion of C program source code, see Figure 4 (element 402), see, monitor application, Figure 3, col., 306)

and monitor interface logic interfaced to the monitor logic and to a display associated with the graphics application (see Figure 3 (element 318),

wherein during execution of the graphics application the monitor logic is invoked (see Figure 1 (element 104)) and dynamically inspects selective memory contents associated with a processor (see col., 4, lines, 6-12).

the monitor interface logic presents the contents within a graphical window of the display (see Figure 1 (element 102) and Figure 2).

However Smith does not specifically disclose graphics driver.

Filfet from the same field of endeavor discloses graphics driver (example, software driver, see paragraph [0012]).

It would have been obvious to one of ordinary skill in the art to have modified Smith's memory content at the time of the invention was made with software driver as presented by Fliflet. The motivation to combine provides a dynamic approach to software zone rendering and is particularly applicable to integrated graphics hardware devices that require software zone rendering. Fliflet, (paragraph [0048]).

4. Claims 8 -13 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (US Patent No.: 6,311,324) and Fliflet (US Pub. No.: 2002/0140710) in further view of Greenberg et al. (US Patent No.: 7,171,651)

As to claim 8, the modified Smith does not disclose retrieving performance data associated with a processing graphics application.

Greenberg from the same field of endeavor discloses retrieving performance data associated with a processing graphics application (example, retrieve see, Figure 5 (element 516)); dynamically updating a presentation of the retrieved performance data as the graphics application processes (example, retrieved updated, see, Figure 5 (element 500)).

It would have been obvious to one of ordinary skill in the art to have modified the modified Smith's performance profiler at the time of the invention was made with retrieving and updating as presented by Greenberg.

The motivation to combine the references was to allow fine control over the types of events that are reported. Greenberg, (see col., 2 lines, 17-18).

As to claim 9, the modified Smith does not disclose determining a period for retrieving the performance data based on a predefined period.

Greenberg from the same field of endeavor discloses determining a period for retrieving the performance database on a predefined period (example, periodically retrieved, determine whether the date and time see, abstract and col., 2 lines, 42-44).

It would have been obvious to one of ordinary skill in the art to have modified the modified Smith's performance profiler at the time of the invention was made with periodically retrieving as presented by Greenberg. The motivation to combine will provide remotely controlling the reporting of events occurring within a computer that allows fine control over the types of events that are reported. Greenberg, (col., 2 lines, 14-25).

As to claim 10, the modified Smith does not disclose wherein periodically retrieving further includes determining a period for retrieving the performance data based on at least one of a randomly generated period and detection of an event.

Greenberg from the same field of endeavor discloses wherein periodically retrieving further includes determining a period for retrieving the performance data based on at least one of a randomly generated period and detection of an event (example, code generate event data, see col., 2 lines, 56-65, abstract and Figure 9 (element 90-8)).

It would have been obvious to one of ordinary skill in the art to have modified the modified Smith's program performance at the time of the invention was made with data identifying one or more events periodically generated as presented by Greenberg. The motivation to combine will provide remotely controlling the reporting of events occurring

within a computer that allows fine control over the types of events that are reported.

Greenberg, (col., 2 lines, 14-25).

As to claim 11, the modified Smith does not disclose wherein periodically retrieving further includes inspecting memory associated with a processor.

Filfet from the same field of endeavor discloses wherein periodically retrieving further includes inspecting memory associated with a processor (example, memory, see paragraph 0020) and a graphics driver to retrieve the performance data (example, driver, see paragraph 0012).

It would have been obvious to one of ordinary skill in the art to have modified the modified Smith's software performance at the time of the invention was made with memory and graphics driver as presented by Filfet. The motivation to combine provides a dynamic approach to software zone rendering and is particularly applicable to integrated graphics hardware devices that require software zone rendering. Filfet, (paragraph [0048]).

As to claim 12, the modified Smith does not disclose retrieving zone-rendering information from the memory related to rendering a three-dimensional image.

Filfet from the same field of endeavor discloses retrieving zone-rendering information from the memory related to rendering a three-dimensional image (example, three-dimensional, see paragraph [0005]).

It would have been obvious to one of ordinary skill in the art to have modified the modified Smith's software performance at the time of the invention was made with rendering a three-dimensional image as presented by Filfet. The motivation to combine

provide balancing software and hardware workloads on a demand-based zone renderer by dynamically adjusting the software zone size such that it is compatible with the graphics hardware zone dimensions. Fliflet, (paragraph [0038]).

As to claim 13, the modified Smith does not disclose linking portions of the graphics application to the processing of the method.

Greenberg from the same field of endeavor discloses further comprising linking portions of the graphics application to the processing of the method (see col., 5 line, 6).

It would have been obvious to one of ordinary skill in the art to have modified the modified Smith's program performance at the time of the invention was made with linking as presented by Greenberg. The motivation to combine will provide distributed computing environments where tasks are performed by remote processing devices that are linked through a communications network. Greenberg, (col., 5 lines, 1-10).

As to claim 20, Smith discloses a machine accessible medium having associated instructions, (see; col., 1 line, 44) which when accessed, results in a machine performing:

monitoring performance data associated with a processing graphics application (see, col., 4 line, 9-11).

However Smith does not disclose dynamically updating a presentation of the performance data on a display at periodic intervals.

Greenberg from the same field of endeavor discloses dynamically updating a presentation of the performance data on a display at periodic intervals (example,

Art Unit: 2174

retrieved updated, see, Figure 5 (element 500) and Figure 2 (element 22) may provide output to a display screen, see col., 5 lines, 60-63).

It would have been obvious to one of ordinary skill in the art to have modified Smith's program performance at the time of the invention was made with retrieving and updating as presented by Greenberg. The motivation to combine will provide to retrieve software components and store them on the mass storage device 14. Greenberg, (col., 6 lines, 38-50).

As to claim 21, Smith does not disclose wherein the graphics application is an application related to an electronic game.

Fliflet from the same field of endeavor discloses wherein the graphics application is an application related to an electronic game (example, image, see paragraph [0006] and video display screen see, paragraph [0004]).

It would have been obvious to one of ordinary skill in the art to have modified Smith's profiler at the time of the invention was made with image and video display screen as presented by Fliflet. The motivation to combine will provide highly detailed representations and are used in a variety of applications. Fliflet, (paragraph [0004]).

As to claim 22, Smith does not disclose including instructions for acquiring the performance data from a processor that is processing the graphics application and from a graphics driver associated with the processing of the graphics application.

Fliflet from the same field of endeavor discloses instructions for acquiring the performance data from a processor that is processing the graphics application and from

a graphics driver associated with the processing of the graphics application (example, instruction, graphic processor, driver, see paragraph [0019]).

It would have been obvious to one of ordinary skill in the art to have modified Smith's profiler at the time of the invention was made with instructions, for acquiring performance data (paragraph [0019]) as presented by Fliflet. The motivation will provide to issues signals over common bus 112 for reading and writing to memory 108 or to I/O device 110 in order to manipulate data. Fliflet, (paragraph [0020]).

As to claim 23, Smith does not disclose wherein the performance data is related to zone rendering associated with graphics data that the graphics application is processing.

Fliflet from the same field of endeavor discloses wherein the performance data is related to zone rendering associated with graphics data that the graphics application is processing (see Figure 2).

It would have been obvious to one of ordinary skill in the art to have modified Smith's performance profiler at the time of the invention was made with zone rendering as presented by Fliflet. The motivation to combine provides to balance software and hardware workloads on a graphics renderer. Fliflet, (paragraph [0008]).

As to claim 24 does not disclose the graphics data is related to one or more three-dimensional objects.

Fliflet from the same field of endeavor discloses wherein the graphics data is related to one or more three-dimensional objects (see Paragraph 0005).

It would have been obvious to one of ordinary skill in the art to have modified Smith's performance profiler at the time of the invention was made with one or more three-dimensional objects as presented by Fliflet.

The motivation to combine provide balancing software and hardware workloads on a demand-based zone renderer by dynamically adjusting the software zone size such that it is compatible with the graphics hardware zone dimensions. Fliflet, (paragraph [0038]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Evans, (US Patent No.: 5,386,522 is cited to teach Dynamic physical address aliasing during program debugging.

Gotwals, (US Patent No.: is cited to teach Method and system for automatically prioritizing and analyzing performance data for one or more, system configurations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meseker Takele whose telephone number is (571) 270-1653. The examiner can normally be reached on Monday - Friday 7:30AM- 5:00PM est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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